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REPORT OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994

SECURITY COUNCIL
Fifty-fourth year

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and to the members of the Security Council the fourth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, submitted by the President of the International Criminal Tribunal for Rwanda in accordance with article 32 of its statute (see Security Council resolution 955 (1994), annex), which states:

> "The President of the International Tribunal for Rwanda shall submit an annual report of the International Tribunal for Rwanda to the Security Council and to the General Assembly."

* A/54/150.

FOURTH ANNUAL REPORT OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994

For the period 1 July 1998-30 June 1999

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I. INTRODUCTION

1. The period covered by the present report has been a historical one for the International Criminal Tribunal for Rwanda. The first four judgements of the Tribunal were delivered during the period, thereby beginning the process of transforming aspirations for international criminal justice into reality.

2. The four judgements include the first conviction for genocide ever delivered by an international court in the case of the Prosecutor v. Jean Paul Akayesu, the bourgmestre of Taba Commune. The former Prime Minister of the Interim Government in Rwanda, Jean Kambanda, pleaded guilty to genocide and crimes against humanity and was convicted and sentenced to life imprisonment. Omar Serushago, a local leader of the Interahamwe militia, also pleaded guilty and was convicted and sentenced to 15 years' imprisonment. On 21 May 1999, Clément Kayishema, Préfet of Kibuye Prefecture, and Obed Ruzindana, a businessman in Kibuye, who were charged jointly, were convicted and sentenced to life imprisonment and 25 years' imprisonment respectively.

3. At the request of the Tribunal, the Security Council, by its resolution 1165 (1998) of 30 April 1998, created a third Trial Chamber, which increased the number of trial judges from six to nine. The addition of a third Trial Chamber together with modifications made by the judges to the Rules of Procedure and Evidence should enable the Tribunal to begin trials of all the accused currently detained in an expeditious manner.

4. This annual report reviews the main activities of the Chambers, the Office of the Prosecutor and the Registry from 1 July 1998 to 30 June 1999, as well as the support provided to them by States and various institutions. The views expressed in the report are those of the sections concerned. In particular, the section that relates to the Office of the Prosecutor was prepared independently of the Chambers.

II. MAIN DEVELOPMENTS

A. The Chambers

1. A structural change: a third Trial Chamber

5. At the request of the Tribunal, the Security Council, by its resolution 1165 (1998) of 30 April 1998, established a third Trial Chamber, increasing the number of judges from six to nine, in order to enable the International Criminal Tribunal for Rwanda to try, with less delay, the large number of accused awaiting trial.

6. The election of the three new judges coincided with the end of term of the office of the six judges, who had been elected by the General Assembly on 24 and 25 May 1995. The General Assembly held the election of all nine trial judges on 3 November 1998. After five ballots, nine judges were elected for a four-year term of office to expire on 24 May 2003. Four judges who had already served a mandate were re-elected, namely Laity Kama (Senegal), Yakov Ostrovsky (Russian

Federation), Navanethem Pillay (South Africa) and William Sekule (United Republic of Tanzania). Five new judges were elected, namely Pavel Dolenc (Slovenia), Mehmet Güney (Turkey), Dionysios Kondylis (Greece), Erik Møse (Norway) and Lloyd George Williams (Jamaica and Saint Kitts and Nevis).

7. Of the new judges, Judges Pavel Dolenc, Dionysios Kondylis and Lloyd George Williams took the oath of office on 22 February 1999, enabling them to constitute the third Trial Chamber. However, Judge Kondylis resigned for personal reasons on 2 March 1999. He was subsequently replaced by Judge Asoka de Zoysa Gunawardana (Sri Lanka), by appointment of the Secretary-General.

8. Judges Asoka de Zoysa Gunawardana, Mehmet Güney and Erik Møse took the oath of office on 31 May 1999.

2. Organizational activities: sixth plenary session of the Tribunal

9. On 4 June 1999, the last day of the sixth plenary session, Judge Navanethem Pillay (South Africa) was elected President of the Tribunal, replacing Judge Laïty Kama, (Senegal), who had held the position for four years. Judge Erik Møse (Norway) was elected Vice-President, replacing Judge Yakov Ostrovsky (Russian Federation).

10. Following the plenary, President Pillay assigned judges to the Trial Chambers as follows:

Trial Chamber I: Judge Navanethem Pillay (South Africa), Presiding; Judge Erik Møse (Norway); Judge Asoka de Zoysa Gunawardana (Sri Lanka);

Trial Chamber II: Judge Laïty Kama (Senegal), Presiding; Judge Mehmet Güney (Turkey); Judge William Hussein Sekule (United Republic of Tanzania);

Trial Chamber III: Judge Lloyd George Williams (Jamaica and Saint Kitts and Nevis), Presiding; Judge Pavel Dolenc (Slovenia); Judge Yakov Arkadievich Ostrovsky (Russian Federation).

11. At the sixth plenary session, the judges adopted several amendments to the Rules of Procedure and Evidence and the Directive on assignment of Defence Counsel. These amendments were made to reflect the increased number of judges and to expedite trial proceedings. All future modifications of the Rules will require the vote of 10 Judges, to be adopted.

12. By the adoption of new rule 33 (b), the Registrar, in the execution of his function, is now permitted to make representations to the Chambers on any issue arising in the context of a specific case which affects the discharge of his functions, including the implementation of judicial decisions.

13. An amendment to rule 45 by the insertion of paragraph I sought to address the situation of frequent change of counsel. It requires assigned counsel to represent the accused and to conduct the case to finality. Failure to do so

without just cause may result in forfeiture of fees in whole or in part. Counsel are permitted to withdraw from a case, only in the most exceptional circumstances. New rule 45 (ter) requires written undertakings from Defence Counsel relating to appearances before the Tribunal. The provision of disciplinary measures relating to conduct of counsel in rule 46 (A) was amended so that sanctions are now also applicable to counsel for the Prosecution.

3. Judicial activities

The Prosecutor v. Jean Paul Akayesu (ICTR-96-4-T)

14. On 2 September 1998, Trial Chamber I of the International Criminal Tribunal for Rwanda, composed of Judges Laïty Kama, Presiding, Lennart Aspegren and Navanethem Pillay, found Jean Paul Akayesu guilty of 9 of the 15 counts proffered against him, including genocide, direct and public incitement to commit genocide and crimes against humanity (extermination, murder, torture, rape and other inhumane acts). Jean Paul Akayesu was found not guilty of the six remaining counts, including the count of complicity in genocide and the counts relating to violations of article 3 common to the Geneva Conventions and of Additional Protocol II thereto.

15. The Akayesu judgement includes the first interpretation and application by an international court of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

16. The Trial Chamber held that rape, which it defined as "a physical invasion of a sexual nature committed on a person under circumstances which are coercive", and sexual assault constitute acts of genocide insofar as they were committed with the intent to destroy, in whole or in part, a targeted group, as such. It found that sexual assault formed an integral part of the process of destroying the Tutsi ethnic group and that the rape was systematic and had been perpetrated against Tutsi women only, manifesting the specific intent required for those acts to constitute genocide.

17. On 2 October 1998, Jean Paul Akayesu was sentenced to life imprisonment for each of the nine counts, the sentences to run concurrently.

18. Both Jean Paul Akayesu and the Prosecutor have appealed against the judgement rendered by the Trial Chamber.

The Prosecutor v. Jean Kambanda (ICTR-97-23-S)

19. On 1 May 1998, Jean Kambanda, former Prime Minister of the Interim Government of the Republic of Rwanda, pleaded guilty to all six counts in the indictment against him, pertaining to the crimes of genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, complicity in genocide, and crimes against humanity. Jean Kambanda confirmed to Trial Chamber I of the International Criminal Tribunal for Rwanda, composed of Judges Laïty Kama, Presiding, Lennart Aspegren and Navanethem Pillay, that he had an agreement with the Prosecutor, signed by his Counsel and himself, in which he admitted having committed all the crimes with which he was charged.

20. The Trial Chamber verified the validity of his guilty plea, i.e, that it was an informed plea made freely and voluntarily, without any pressure or threats or promises, and that he fully understood the nature of the charges against him, as well as the consequences of his guilty plea; and that his guilty plea was unequivocal. The Trial Chamber then declared Jean Kambanda guilty of all the counts in his indictment.

21. The Defence argued in mitigation of sentence: the admission of guilt, the accused's remorse, and the accused's cooperation with the Office of the Prosecutor. The Defence requested that Kambanda be sentenced to no more than two years' imprisonment. The Prosecutor confirmed that the accused had cooperated with the Prosecution to a significant extent and had provided useful information, but, owing to the gravity of the crimes committed and the position of authority held by Jean Kambanda as Head of State, the Prosecutor asked for a sentence of life imprisonment.

22. The Trial Chamber took into account the severity of the crime of genocide, which it called the "crime of crimes", and that Kambanda had committed the crimes knowingly and with premeditation. Further, the Trial Chamber considered that as Prime Minister of Rwanda Kambanda had been entrusted with the duty and the authority to protect the population and that he had abused that trust.

23. The Chambers found that the aggravating circumstances surrounding the crimes outweighed the mitigating circumstances and sentenced Jean Kambanda to life imprisonment.

24. Jean Kambanda has appealed against his sentence.

The Prosecutor v. Omar Serushago (ICTR-98-39-S)

25. On 14 December 1998, Omar Serushago, former head of the Interahamwe militia in Gisenyi Prefecture, pleaded guilty before Trial Chamber I, composed of Judge Laïty Kama, Presiding, Judge Lennart Aspegren and Judge Navanethem Pillay. Omar Serushago pleaded guilty to four of the five counts with which he was charged and pleaded not guilty to count five, pertaining to crimes against humanity (rape). The Chamber granted leave to the Prosecutor to withdraw the rape count. Omar Serushago acknowledged to the Trial Chamber an agreement signed by his Counsel and himself, within which he admitted to having committed the crimes for which he was charged in the indictment and to which he pleaded guilty.

26. After verifying the validity of his plea, the Trial Chamber found Omar Serushago guilty of the crime of genocide and of crimes against humanity (murder, extermination and torture).

27. The Trial Chamber sentenced Omar Serushago to a single term of 15 years' imprisonment on 5 February 1999, taking into account several mitigating circumstances, notably the substantial cooperation of Omar Serushago with the Prosecutor even before his arrest which had made it possible for the Prosecutor to organize, with success, the arrest of several high-ranking individuals suspected of being responsible for crimes committed in Rwanda in 1994. The Trial Chamber also noted that Omar Serushago had openly and publicly expressed

his remorse and sought pardon from the victims of his crimes and from all the people of Rwanda and that he had made an appeal for national reconciliation in Rwanda.

28. Omar Serushago lodged an appeal against the above sentence and the case is currently pending before the Appeals Chamber.

The Prosecutor v. Clément Kayishema and Obed Ruzindana (ICTR-95-1-T)

29. The joint trial against Clément Kayishema and Obed Ruzindana was held before Trial Chamber II of the International Criminal Tribunal for Rwanda, composed of Judge William H. Sekule, Presiding, Judge Yakov Ostrovsky and Judge Tafazzal Hossain Khan. Clément Kayishema and Obed Ruzindana were both accused of genocide, crimes against humanity (murder, extermination and other inhumane acts), serious violations of article 3 common to the Geneva Conventions and of Additional Protocol II thereto.

30. The judgement and sentence were rendered on 21 May 1999. Both Clément Kayishema and Obed Ruzindana were found guilty of genocide, not guilty of crimes against humanity (on the grounds that these charges were based upon the same conduct and evidence as the genocide charges and were therefore subsumed by the latter), and not guilty of violation of article 3 common to the Geneva Conventions and of Additional Protocol II thereto.

31. Following their conviction for genocide, Clément Kayishema was sentenced to life imprisonment and Obed Ruzindana to a term of 25 years' imprisonment. Both accused and the Prosecutor lodged appeals against the judgement and the sentences (Notices of Appeal dated 18 June 1999).

The Prosecutor v. Georges Anderson Rutaganda (ICTR-96-3-T)

32. The trial of Georges Anderson Rutaganda, who was the second Vice-President of the Interahamwe in Rwanda in 1994, was completed and deliberations on the judgement commenced on 17 June 1999. The Trial Chamber reviewing the case is composed of Judges Laïty Kama, Presiding, Lennart Aspegren and Navanethem Pillay. Georges Anderson Rutaganda is charged with one count of genocide, four counts of crimes against humanity and four counts of violations of article 3 common to the Geneva Conventions and of Additional Protocol II thereto.

The Prosecutor v. Alfred Musema (ICTR-96-13-T)

33. The trial of Alfred Musema, which began on 25 January 1999, before Trial Chamber I composed of Judges Lennart Aspegren, Presiding, Laïty Kama and Navanethem Pillay, was completed on 28 June 1999 and deliberations on the judgement are in progress. Alfred Musema was the Director of the Gisovu Tea Factory in Kibuye Prefecture. He is charged with genocide, conspiracy to commit genocide, crimes against humanity and serious violations of article 3 common to the Geneva Conventions and of Additional Protocol II thereto.

The Prosecutor v. Bernard Ntuyahaga (ICTR-98-40-T)

34. Bernard Ntuyahaga, former logistics officer at Kigali Barracks, surrendered to the Tribunal in Arusha on 8 June 1998 and was transferred to the Detention Facility on 10 July 1998. He was charged with a single count, crimes against humanity (murder), for the murder of Mrs. Agathe Uwilingiyimana, former Prime Minister of Rwanda, and 10 Belgian peacekeepers of the United Nations Assistance Mission for Rwanda (UNAMIR). The remaining three counts, relating to genocide and violations of article 3 common to the Geneva Conventions and of Additional Protocol II thereto, were not confirmed by the reviewing Judge Yakov Ostrovsky. The accused pleaded not guilty to the one count at his initial appearance on 13 November 1998.

35. On 23 February 1999, the Prosecutor, pursuant to rule 51 of the Rules of Procedure and Evidence, sought the leave of the Trial Chamber to withdraw the Indictment against Bernard Ntuyahaga. The Prosecutor wished to withdraw the indictment on the basis that the prosecution of a single count relating only to the murder of the Prime Minister and the 10 UNAMIR Belgian soldiers would not serve her objective of exposing the totality of crimes committed in Rwanda in 1994. She alleged that the decision on the review of the indictment had limited her capacity to prosecute Bernard Ntuyahaga to the fullest extent and that a withdrawal would facilitate prosecution by national courts. The Prosecutor requested that Bernard Ntuyahaga be transferred to the Government of the United Republic of Tanzania.

36. The Government of Belgium, authorized by the Trial Chamber to appear before it as amicus curiae, requested that Bernard Ntuyahaga be handed over to Belgium, to be tried before its courts, should the indictment against him be withdrawn.

37. On 18 March 1999, Trial Chamber I of the International Criminal Tribunal for Rwanda, composed of Judges Navanethem Pillay, Presiding, Lennart Aspegren and Laity Kama, authorized the Prosecutor to withdraw the indictment against Bernard Ntuyahaga and ordered that, in the absence of any other charges against him, Bernard Ntuyahaga be immediately released from the Tribunal's Detention Facility. The Chamber instructed the Registrar to take all necessary steps to implement the decision, in collaboration with the authorities of the host country, if need be. The Trial Chamber held that it was not within the powers of the Tribunal, as defined by the Statute and the Rules, to order that a released person be handed over to the authorities of any State, including the host country of the Tribunal.

38. The Registrar of the Tribunal released Bernard Ntuyahaga on 29 March 1999.

39. Bernard Ntuyahaga appealed the withdrawal of his indictment, arguing that he should have been acquitted. The Appeals Chamber, in a majority decision, dismissed the appeal on the ground that it was not an appeal against conviction and that it had not been raised on the basis of a challenge to the jurisdiction of the Trial Chamber.

40. There are currently 31 indicted persons in custody awaiting trial, in many cases engaged in pre-trial motions. The length of time it has taken to complete the first cases of the Tribunal, all four of which were completed in the past

year, has in great part been attributable to the fact that this international criminal tribunal is a relatively unprecedented initiative which has required tremendous preparatory work – on the part of the Prosecution with regard to investigation, on the part of the Registry, with regard to the establishment of an administrative infrastructure, and on the part of the Chambers, with regard to the promulgation of a legal framework without precedent. Judicial work effectively began in September 1996, following the construction of the courtroom. Since then, more than 150 interlocutory motions have been adjudicated. Several interlocutory appeals have stayed proceedings, pending the adjudication of the appeals, which in some cases have taken up to seven months. During the course of trials, delays have resulted from the needs of both the Prosecution and the Defence for additional time to prepare their cases. In one case, further extended delays were caused by medical problems of both the accused and his counsel.

41. The judges are determined to complete as many trials as possible, before the expiration of their mandate, which has been extended to 2003. The construction of a third courtroom and the addition of a new Trial Chamber are significant developments that will expedite trials. Nevertheless, the judges are mindful of the due process requirements of international law and of the Statute of the Tribunal. These requirements will inevitably result in some delays in the proceedings.

4. Decisions of the Appeals Chamber

42. On 3 June 1999, the Appeals Chamber delivered its decisions on two interlocutory appeals in the Nsengiyumva and Kanyabashi cases. The appeals stemmed from the composition of Trial Chambers that had been reconstituted by the President of the Tribunal for the purpose of hearing Prosecution motions for amendment of the indictments and Prosecution motions for joinder of the indictments. The President had acted because several of the judges who had confirmed indictments against one or the other of the accused persons named were, in terms of the Rules, disqualified from sitting in their trials.

43. In a majority decision, the Appeals Chamber affirmed the President's powers to temporarily assign or rotate a member of one Trial Chamber to another; but ruled that motions for amendment of the indictment on a textual reading of the then rule 50 (A) might be heard only by the Chamber before which the initial appearance of the accused had been held. (Rule 50 A was subsequently amended at the sixth plenary session to read "a Chamber" instead of "that Chamber").

44. During the period under review, the coordination of appeals from the Trial Chambers to the Appeals Chamber was handled by a single person. This proved wholly inadequate for the expeditious disposal of appeals and is being addressed by the assignment of more personnel.

45. These decisions are very important for the work of the Tribunal as they will contribute to expediting the proceedings.

5. New indictments, new transfers and arrests

46. During the period under review, the following nine accused persons have been arrested and transferred to the Tribunal's Detention Facility in Arusha where they are awaiting trial on charges including genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, crimes against humanity and violations of article 3 common to the Geneva Conventions and of Additional Protocol II thereto:

Name	Position held	Place of arrest	Date of arrest	Date of transfer to Arusha
Edouard Karemera	Minister of the Interior	Togo	5 June 1998	10 July 1998
Andre Rwamakuba	Minister of Primary and Secondary Education	Namibia	21 October 1998	22 October 1998
Mathieu Ngirumpatse	President of MRND	Mali	5 June 1998	10 July 1998
Joseph Nzirorera	Secretary-General of MNRD	Benin	5 June 1998	10 July 1998
Juvenal Kajelijeli	Bourgmestre of Mukingo Commune, Ruhengeri	Benin	5 June 1998	9 September 1998
Emmanuel Bagambiki	Préfet of Cyangugu Prefecture	Togo	5 June 1998	10 July 1998
Eliezer Niyitegeka	Minister of Information	Kenya	9 February 1999	11 February 1999
Casimir Bizimungu	Minister of Health	Kenya	11 February 1999	23 February 1999
Ignace Bagilishema	Bourgmestre, Mabanza Commune, Kibuye	South Africa	20 February 1999	20 February 1999

B. Office of the Prosecutor

47. During the period under review, the Office of the Prosecutor centred its activities on consolidating the strategy it developed in May 1997. This strategy is twofold: first, the targeting of investigations exclusively on persons who occupied positions of authority at the time of the genocide, more specifically, those who conspired to commit genocide; and secondly, the joinder of crimes in one indictment to reflect the various areas where such joinder applied at the level of the nation and prefectures. The "conspiracy theory" was given concrete expression and consolidated by the joinder of accused, the arrest of key persons who were in power before and during the genocide and, finally, by the guilty pleas of Jean Kambanda and Omar Serushago. These great strides were made in spite of serious inadequate staffing.

1. Consolidation of investigation and Prosecution strategy

Organization of the Office of the Prosecutor

48. The Office of the Prosecutor is composed of four units: Investigations Section, Prosecution Section, Legal Section, and Information and Evidence Section.

Investigations Section

49. The Investigations Section has 102 investigators and was headed by an Interim Chief of Investigations until April 1999 following the departure of the Chief of Investigations in December 1997. A Chief of Investigations assumed office on 26 April 1999 and is assisted by three Commanders. Until December 1998, there was only one Commander. The teams investigate mainly the various power structures in place in 1994, i.e. government, administrative and military authorities, leaders of political parties and militia groups as well as former media officials and practitioners. One team is exclusively in charge of sexual offences. The investigation teams are supervised by investigation commanders and legal advisers.

Prosecution Section

50. The Prosecution Section includes eight Senior Trial Attorneys, eight Trial Attorneys and eight Assistant Trial Attorneys. The Interim Chief of Prosecutions supervises and coordinates all the legal structures of the Office of the Prosecutor.

Legal Section

51. The Legal Section is composed of 19 Legal Officers divided into two: one team of legal advisers for prosecution and another team of legal advisers for investigations. A Senior Legal Adviser coordinates the two legal teams. The Section is responsible for research, preparation of motions and monitoring the cases of the International Tribunal for the Former Yugoslavia that have been decided. An indictment drafting committee composed of legal advisers from the prosecution and investigations sections corrects draft indictments and submits them for revision. The Legal Section of the Office of the Prosecutor in Kigali collaborates closely with its counterpart at The Hague in reviewing indictments and preparing legal opinions, thereby ensuring greater harmony between the two offices.

Information and Evidence Section

52. The Information and Evidence Section is responsible for managing information, updating the index of evidence gathered and disseminating information within the Office of the Prosecutor. The Section includes an archives unit which reorganizes the video and audio cassette collection. It also prepares a list of all new documents available at the Office of the Prosecutor.

Investigation priorities

Investigations into conspiracy to commit genocide

53. The Office of the Prosecutor gives priority to investigations into the conspiracy to commit genocide. Based on serious and corroborating leads, it has systematically conducted detailed investigations into the preparation and execution of the conspiracy. It has also formed new investigation teams, on the basis of the political, administrative, military and other institutions which were operating in Rwanda at the time the acts were committed, since certain officials of those institutions were implicated in crimes. The investigators travel to the préfectures of Rwanda, as and when the security situation allows. They also conduct investigations worldwide, particularly in Africa and Europe.

Investigations into sexual crimes

54. Investigations by the Office of the Prosecutor, conducted in December 1998, indicated that large-scale sexual crimes had been committed against Tutsi women. During the survey conducted in seven préfectures of Rwanda, the team on sexual assaults interviewed 360 women on complaints of rape. Based on information gathered, the Prosecutor believes that sexual crimes were planned, systematic and generalized and that they were committed with the active participation of the soldiers, the Interahamwe and government and administrative authorities at both local and national levels.

Results of investigations

Witness statements

55. Witness statements constitute the main evidence that the Prosecutor produces in court. The investigators took statements from 328 witnesses covering all the crimes within the jurisdiction of the Tribunal. Eighty-five witnesses tendered statements relating to sexual crimes and the suspects were from almost all the socio-professional groups of Rwanda: the army, the Government, the clergy and the media.

Operation Kiwest

56. In June 1998, as a result of the investigator's fieldwork, five suspects were arrested in West Africa by the authorities and police of the countries in which they had sought refuge: Mathieu Ngirumpatse, former President of the National Revolutionary Movement for Democracy and Development (MRND), arrested in Mali on 5 June 1998; Edward Karemera, former Minister of the Interior in the interim Government, arrested on 5 June 1998 in Togo; Joseph Nzirorera, former Secretary-General of MRND and former Speaker of Parliament, arrested on 5 June 1998 in Benin; Emmanuel Bagambiki, former Préfect of Cyangugu, arrested on 5 June 1998 in Togo; and Juvenal Kajelijeli, former Bourgmestre of the Mukingo Commune in Ruhengeri Prefecture, arrested on 5 June 1998 in Benin.

Other arrests and surrenders

57. During the period under review, 15 persons were arrested, either pursuant to rule 40 bis or in execution of a warrant of arrest. Those arrested were:

- Casimir Bizimungu, former Minister of Health in the interim Government, arrested on 11 February 1999 in Kenya;

- André Rwamakuba, former Minister of Primary and Secondary Education in the interim Government, arrested on 21 October 1998 in Namibia;

- Eliezer Niyitegeka, former Minister of Information in the interim Government, arrested on 9 February 1999 in Kenya;

- Ignace Bagilishima, former Bourgmestre of Mabanza in Kibuye Prefecture, arrested on 20 February 1999 in South Africa.

58. On 6 April 1999, the investigators of the Office of the Prosecutor, with the assistance of the Cameroon police, arrested three members of the interim Government: Jérôme Bicamumpaka, former Minister of Foreign Affairs; Mugenzi Justin, former Minister of Trade; and Prosper Mugiraneza, former Minister for Civic Activities.

59. During all the above arrests, the authorities of Cameroon, Kenya, Namibia and South Africa cooperated in an exemplary manner with the Office of the Prosecutor.

Change in Prosecution approach following results of investigation

Joinder of accused in one indictment

60. During the period under review, the Office of the Prosecutor sought mainly in matters of prosecution to jointly charge several persons with conspiracy in one indictment. Since by definition a plan on conspiracy involves several persons, it appears more rational to charge the accused jointly in one indictment with a joint trial in mind. Based on that approach, the Office of the Prosecutor filed for leave for joinder of accused in the following cases:

- The Government case involving 13 accused: Edouard Karemera, André Rwamakuba, Mathieu Ngirumpatse, Joseph Nzirorera, Juvénal Kajelijeli, Eliezer Niyitegeka, Casimir Bizimungu, Jerome Bicamumkapa, Justin Mugenzi, Prosper Mugiraneza and three others whose identities are subject to non-disclosure orders, pending arrest;

- The Butare case involving six accused: Pauline Nyiramasuhuko, Arsène Shalom Ntahobali, Sylvain Nsabimana, Alphonse Nteziryayo, Joseph Kanyabashi and Elie Ndayambaje;

- The Cyanugu case involving three accused: André Ntagerura, Emmanuel Bagambiki and Samuel Imanishimwe;

- The military case, involving four persons: Théoneste Bagosora, Gratien Kabiligi, Aloys Ntabakuze and Anatole Nsengiyumva.

2. Judicial activities of the Office of the Prosecutor

61. During the period under review, the Office of the Prosecutor presented four amended indictments which have been confirmed. Other amendments are pending. In all, four indictments have been confirmed against 14 persons.

62. Preliminary motions have been filed in pending matters. During the reporting period, the Office of the Prosecutor submitted a total of 76 motions before the Chambers, most of them concerning the protection of witnesses, amendment of indictments and the joinder of accused.

3. Other activities of the Office of the Prosecutor

63. During the period under review, the Office of the Prosecutor organized seminars for its staff and participated in seminars organized by other United Nations agencies. Furthermore, officials of the Office of the Prosecutor travelled abroad as part of their official duties. On 5 and 6 February 1999, the Office of the Prosecutor organized a seminar for investigators in Kigali on the updating of its investigation policy. This also afforded the new investigators the opportunity to familiarize themselves with the new investigation and prosecution strategy developed by the Office in May 1997. On 8 and 9 February 1999, the Office organized study sessions in Kigali for its Legal Officers to conduct a mid-term assessment of its legal and judicial activities. From 28 November to 22 December 1998, the Office participated in a seminar on the legal system for Rwanda judicial personnel organized by the Office of the United Nations High Commissioner for Refugees (UNHCR), the Ministry of Justice and the Supreme Court of Rwanda. From 8 January to 26 February 1999, the Office also participated in a training seminar organized by the NGOs Lawyers without Frontiers and Réseaux de Citoyens for judges of the specialized chambers of the lower courts of Rwanda.

64. During the reporting period, the Prosecutor, Justice Louise Arbour, held meetings with the Government of Rwanda and in February was invited to the installation of the new Government. Justice Arbour travelled to Belgium, Canada, France, Kenya, the United Kingdom of Great Britain and Northern Ireland and the United States of America to meet with members of Governments, particularly to request their cooperation in investigations and arrests. In March 1999, she held meetings at United Nations Headquarters with the African Group and the Group of 77, during which she outlined her strategy and emphasized the exemplary cooperation of African countries. Furthermore, she held several meetings with universities and NGOs to better acquaint them with the activities of the Office of the Prosecutor.

65. The Deputy Prosecutor undertook the following missions:

- In June 1998, to West Africa (Togo, Côte d'Ivoire, Mali, Benin) as part of Operation Kiwest for the arrest of five suspects;

- In June 1998, to Senegal, within the framework of judicial cooperation between the Office of the Prosecutor and that country;

- In November 1998, to France, at the invitation of the French Government and of the United Nations Educational, Scientific and Cultural Organization (UNESCO), on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights. He was also invited to Toulouse to present a paper on the Tribunal;

- In February 1999, to South Africa, to negotiate the arrest of one suspect.

66. The achievements of the Office of the Prosecutor in securing indictments and guilty pleas represent decisive moves towards ending the impunity of perpetrators of the genocide in Rwanda. For the Office of the Prosecutor, the current year has also been one of closer cooperation with Member States.

C. The Registry

67. The function of the Registry is to administer and service the Chambers and the Prosecutor in the performance of their respective functions. The Registrar is assisted by a Deputy Registrar, who is in charge of the Judicial and Legal Services Division. In addition to its court management functions, the Division manages a legal aid system of assigning Defence Counsel to indigent accused and supervises the management of the Detention Facility.

1. Judicial and Legal Services Division

68. The Division, headed by the Deputy Registrar under the supervision of the Registrar, comprises the Court Management Section, the Victims and Witnesses Support Unit, the Lawyers and Detention Facilities Management Section and the Reference Library. These services are the essential part of the Registry as they are intended to provide adequate support for the judicial activities. The Division organizes and supports all judicial activities, under the direction of the Judges.

(a) Court Management Section

69. The Court Management Section serves all three Trial Chambers, based in Arusha, and the Appeals Chamber, based at The Hague. The Section works to ensure the smooth functioning of court sessions and recognizes the need to improve its effectiveness. Particular attention is paid to efficient archiving, reliable distribution and transmission of court documents and the swift issuance of accurate transcripts. In this regard, systems are being implemented in order to increase the support to Chambers.

70. One of the major responsibilities of the Section is the management of court documents. This includes the filing, reproduction and distribution of such documents to the Chambers and to the parties and the provision of transcripts of the proceedings. Appropriate court documents are issued by Court Management to

the Press and Information Section and public documents are made available to the Tribunal's Web master to load onto the Tribunal's Web site. The post of Web master presently is unfilled.

Judicial Archives Unit

71. The Judicial Archives Unit is responsible for the management of all court-related records, including case and correspondence files, indexes, transcripts, the record book, exhibit evidence and all audio-visual materials. The Unit is also responsible for the eventual transfer of documents to the United Nations Archives and Records Management Section for permanent preservation at the expiry of the mandate of the Tribunal.

72. In order to improve efficiency and to handle the increasing volume of documentation, the Unit has acquired Tower Records Information Management (TRIM) software. A database called ICTR_JA has been created in TRIM and appropriate record types have been defined. The full implementation of the system will bring numerous benefits; for example, the distribution of documents to the parties will be enhanced by the capability for authorized users to access electronic records from their desktop computers. The TRIM system will also offer access to the Judicial Archives Unit database through the Internet, thereby allowing remote users such as the Appeals Chamber at The Hague to access required documents without having to consult the Judicial Archives in Arusha.

73. The Judicial Archives Unit is currently in the process of converting paper records to electronic form. Eventually, CD-ROM copies of all court documents will be produced to act as a backup and enable reconstruction of the documents if the need arises.

74. Along with documents control, the Section is responsible for compiling and updating the judicial calendar, under the supervision of the President and the Presiding Judges of the Chambers.

(b) Victims and Witnesses Support Unit

75. The protection of witnesses for both Prosecution and Defence is crucial to the functioning of the Tribunal. Without witnesses there would be no trial; and without properly protected witnesses, no witness would agree to come to Arusha to testify. The Rules of Procedure and Evidence provide for a Victims and Witnesses Support Unit to be established under the authority of the Registrar. This Unit should, inter alia, recommend the adoption of protective measures and ensure that victims and witnesses receive relevant support, including physical and psychological rehabilitation, especially counselling in cases of rape and sexual assault. The Unit is based in Arusha, with a sub-office in Kigali. The programme in place, owing to resource limitations, has to date been limited mainly to providing material support to the witnesses, including identification, transport, provision of sheltering and physical protection.

76. Protection activities include arrangements for the security and safety of witnesses while travelling between their customary place of residence and the Tribunal, installation at secure premises, and close protection during all movements during the pre-trial and trial periods. This also includes regular

monitoring, enhanced security arrangements if necessary, threat assessment, internal and external relocation during the post-trial phases. The support activities include the provision of material, medical, financial and any other assistance required through liaising and coordinating with the local administrative authorities.

77. Coordination with the Chambers has been enhanced through the participation of a representative of the Victims and Witnesses Support Unit at trial status conferences where participants discuss measures relating to the presence of witnesses and the order of their appearance. In the past year, the Unit has brought in and returned 66 witnesses, among them expert witnesses and witnesses protected under specific decisions of the Chambers. Since the inception of the Tribunal almost 180 witnesses have been dealt with. The Unit secures the attendance of virtually all of the witnesses called by either the Prosecution or the Defence.

78. Five witnesses from Rwanda who appeared as witnesses for trials were subsequently successfully relocated internally in Rwanda to ensure their security. Two witnesses were externally relocated through the good offices of other United Nations agencies. Furthermore, three witnesses were assisted in moving from one country of residence to another.

79. The Unit completed more than 800 witness support days in Arusha and more than 35 witness support days plus performing escort duties abroad. It is also responsible for ensuring the presence before the Chambers of witnesses who reside in various countries but lack legal status and/or adequate documentation. In cooperation with several Governments, the Unit has been able to secure temporary travel documents and produce the witnesses before the Court in time for their testimony. A high degree of cooperation has been forthcoming from various countries, especially Belgium, Canada, the Democratic Republic of the Congo, the Republic of the Congo, France, the Netherlands, Kenya, Switzerland, Rwanda, the United Kingdom and Zambia. The assistance of the Government of the United Republic of Tanzania, has been constant.

80. The Victims and Witnesses Support Unit, jointly with its homologue in the International Tribunal for the former Yugoslavia, has prepared a Manual for Operational Guidance that will enable the two Tribunals to have common standards and operating procedures. These in turn could provide guidance and precedents for the permanent International Criminal Court. In addition, cooperation with the United Nations High Commissioner for Refugees and local non-governmental organizations has been an ongoing feature of the operations of the Victims and Witnesses Support Unit of the Rwanda Tribunal.

81. The security of the safe houses for witnesses is constantly being upgraded and more effective and stringent measures have been put in place to ensure maximum safety while the witnesses are being moved. It is hoped that, when the Unit has its full complement of personnel, logistics and equipment in place, both protective and support measures will be able to produce better results. There is an absolute necessity to reinforce the human and material means put at the disposal of the Unit so as to ensure that it can also provide adequate physical and psychological rehabilitation to victims and witnesses.

Gender issues and assistance to victims

82. The Registrar has established, as a separate Unit from the Victims and Witnesses Support Unit, the Unit for Gender Issues and Assistance to Victims. The Unit's aims are notably to provide input, through Gender and Victims Advisory Services, to improve gender sensitivity in protecting and supporting the witnesses in trials at the Tribunal. A mission assessment was carried out in January 1999 in the course of visiting women who had come to testify in the Akayesu case. Recommendations were presented to the Registrar, especially as regards post-trial measures and the need for a systematic witness-monitoring programme. Aspects of female witness relocation and counselling services have been highlighted and to that end contacts have been initiated with donors to support the initiative.

(c) Lawyers and Detention Facilities Management Section

83. Consistent with international legal standards, accused persons are free to retain Defence Counsel of their choice and, where unable to do so, are assigned Defence Counsel. In the latter case, they may choose from a list of counsel from around the world who are qualified and have indicated an interest in serving. As of 10 May 1999, a total of 44 Defence Counsel had been assigned by the Tribunal to its detainees. All the detainees have claimed to be indigent and requested the Tribunal to assign counsel to them. The assigned counsel are remunerated by the Tribunal. Of the 44 counsel assigned so far, 21 are from Europe, 12 are from Africa and 11 are from North America.

84. It has been one of the main priorities of the Tribunal to ensure an efficient administration for the appointment of Defence Counsel to all indigent accused appearing before the Tribunal. In constructing an international legal aid system for the Tribunal, aspects of the various legal systems of the world have been combined and cultural differences have been taken into account, in recognition of the fact that the Tribunal is an international tribunal and that Defence Counsel came from all around the globe. This has resulted in the development of a unified practice of international defence-counsel administration which, moreover, has been codified by rulings of the Trial Chambers in several cases.

85. The human resources available to the Section have increased with new recruitments, greatly enhancing its ability to meet the heavy workload inherent in its responsibilities. It embarked on an exercise designed to inform lawyers worldwide about Defence Counsel opportunities at the Tribunal. Documentation was sent to legal and bar associations throughout the world to acquaint them with the requirements and criteria for inclusion in the roster of potential Defence Counsel. The required application forms were also distributed. The response has been positive and has enriched the pool of potential Defence lawyers.

86. To enhance the quality of legal services available to defend accused persons, the Rules of Procedure and Evidence of the Tribunal were amended at the fifth plenary session in June 1998, to require a minimum of 10 years' experience in criminal law or international humanitarian law for inclusion in the roster of

potential Defence lawyers. A code of conduct for lawyers practising at the Tribunal was adopted at the session.

87. Another area of improvement has been in the assignment of temporary duty counsel to the accused. The provision of such counsel has ensured that the legal rights of an accused person are respected pending the completion of the process of assigning a substantive Defence Counsel.

88. There has been a marked improvement in the process of Defence Counsel remuneration. The improved procedure allows for payments only in relation to the availability of resources in the Registry. A statistical database has also been put in place which enables immediate retrieval of information on all aspects of the activities of Section, as may be required for public communication or other purposes.

(d) Legal Library and Reference Section

89. The Tribunal's Reference Library was officially inaugurated in May 1999. Its aim is to provide the Chambers, the Office of the Prosecutor and Defence Counsel with a repository of relevant information for research purposes and is equipped with new information technology. The establishment of such a facility should make a positive difference in the ability of the organs of the Tribunal to discharge their functions effectively, as they do not otherwise benefit from any efficient source of information and research. The main library is based in Arusha and a branch has been established in Kigali to assist the staff of the Office of the Prosecutor based there.

90. The Library offers access to cyberspace, with five workstations, databases via the Internet, reference checks on CD-ROMs, and access to United Nations documentation via the optical disk system (ODS). The Library currently is being computerized and a database, the "ICTR Database", containing documentary materials, will be made available. Access is provided to on-line databases such as Lexis-Nexis is and the Library is currently seeking to open new subscriptions. The current stock of documents in the Library (Arusha and Kigali) stands at approximately 4,000 volumes, plus some 60 subscriptions to various periodicals.

91. Apart from its own budget earmarked for the purchase of books, the Library continues to benefit from donations by the Governments of the United Kingdom and Ireland and by a foundation comprising the Government of Sweden and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, with which a cooperation agreement has been signed. Numerous publications are also provided by non-governmental organizations, such as the American Bar Association and the Coalition for International Justice.

(e) Detention Facility

92. The United Nations Detention Facility has been renovated and the number of cells increased. Booths have been constructed to enhance the privacy and confidentiality of meetings between defence counsel and their clients. A fitness centre has also been created to enable the detainees to have some recreational activities. There have been some improvements in the Library of

the UNDF and more computers and laptops have been provided for the use of the detainees. Another positive development worth noting is the introduction of English language classes for the detainees in order to facilitate communications between them and the Tribunal in the two official languages. The classes take place in the UNDF and are paid for by the Tribunal.

93. It should be noted that the International Committee of the Red Cross visited the UNDF on several occasions in the course of this reporting period. Their reports were very positive. All activities relating to the detention facilities are conducted with the excellent cooperation of the host country, which provides assistance in the transfer and security of the detainees.

2. Division of Administration

94. The Division of Administration is responsible primarily for the areas of personnel, finance, language services, security and general services. As in previous years, concentrated efforts were made in matters relating to personnel, premises and logistics.

95. The General Assembly, in its resolution 52/218 of 22 December 1997, appropriated to the Special Account for the International Criminal Tribunal for Rwanda an amount of $56,736,300 gross ($50,879,100 net) for the period from 1 January to 31 December 1998. As a result of Security Council resolution 1165 (1998) of 30 April 1998 regarding the establishment of a third Trial Chamber, a commitment authority ($1,350,500 net) was approved to cover the related expenses. After careful analysis of the expenditure trends and the overall needs of the Tribunal for the 1998 fiscal year, the General Assembly in its resolution 53/213 of 18 December 1998 revised the level of appropriation to the Special Account for the International Tribunal to $52,297,900 gross ($48,043,400 net), reflecting a reduction of $2,835,700 net. The annual budget for 1998 represents 583 posts, an increase of 165 posts, as compared to 418 posts authorized in the previous year.

96. In the same resolution, the General Assembly also decided to appropriate $75,260,600 gross to the Special Account for the Tribunal for the period from 1 January to 31 December 1999. Under this budget 772 posts were authorized, an increase of 190 posts over the authorized level for 1998.

97. The Tribunal accepted further offers of gratis personnel provided by the Governments of Denmark, the Netherlands and Germany. However, by February 1999, all this personnel had been phased out, in accordance with the provisions of General Assembly resolution 52/234 of 26 June 1998.

98. The Tribunal continued to accept voluntary contributions from Governments and private donors. The audio and video equipment contributed by the Government of France was installed in the newly constructed third courtroom in March 1999 and another identical set of equipment will be installed in Courtroom 1 by the end of June 1999. The Government of the United Kingdom has contributed $71,200 to purchase periodicals and reference books for Tribunal libraries and $205,800 to fund the Tribunal's Recruitment Task Force. A contribution of $30,232 was received from Internews Foundation to fund the purchase of audio and office

equipment for use by the Press Centre to increase the quality and quantity of media coverage emerging from the Tribunal. IBM Corporation and HTE extended an offer of equipment (hardware and software applications) through the Criminal Justice Resource Center of the United States for use by the Office of the Prosecutor and the Rwanda Tribunal. Discussions are continuing with other potential donors.

99. Special efforts were made to recruit additional staff for the Office of the Prosecutor. The Tribunal recorded a vacancy rate of 19 per cent in 1998 and 30 per cent in the first quarter of 1999 after the approval of 190 additional posts for 1999. To ensure timely recruitment to vacant posts under the 1999 budget, the Registrar established a Recruitment Task Force, in consultation with the Department of Management, to expedite the recruitment of staff for the Tribunal. To achieve its objective, the Task Force, with the approval of United Nations Headquarters, was provided with the following measures to facilitate recruitment: (a) the ability to use a proactive recruitment procedure; (b) waiver of the G to P and national competitive examinations to recruit staff at the P-2/P-3 level; (c) waiver of vacancy announcements whenever operational requirements mandate this, or where a sufficient number of suitable candidates are available from the roster; (d) waiver of departmental panel review after consultation with the Tribunal staff association; (e) the establishment of a medical office to provide medical clearance of selected candidates. Substantial progress has been achieved by the Recruitment Task Force since it was initiated in January 1999. The vacancy rate for posts provided in the 1998 budget is now less than 1 per cent. It is expected that all the posts provided to the Tribunal in its budget for 1999 will be filled by the end of July 1999.

100. Efforts by the Tribunal's administration over the last two years to recruit highly qualified staff in all spheres of the Tribunal's operations have yielded good results. Indicative of these results and the increased global impact of the Tribunal's work is the large number of applications currently being received from all over the world. It should be noted in this connection that the Tribunal at present has a 36 per cent extra-regional representation among its international staff - the highest among all United Nations offices away from Headquarters. This compares with the system-wide norm of 12 per cent.

101. A total of 82 countries are currently represented in the Tribunal: 43 from outside the African continent, and 39 from the African continent. In total, approximately 34 per cent of the Tribunal's international staff are from countries outside Africa, as follows:

United States/Canada	50
Europe	40
Asia and the Pacific	22
Latin America and the Caribbean	18

102. United Nations administrative instructions have been circulated within the Tribunal to bolster the recruitment of female candidates. Although significant

strides have been made, strenuous efforts are continuing to be made to recruit more female Professionals, in particular to decision-making positions.

103. The availability of office space has remained a grave concern for the Tribunal. Although it is committed to providing the full Kilimanjaro Wing at Arusha International Conference Centre for use by the Tribunal, the host Government has faced difficulties in making the space available on a schedule that would allow the Tribunal to schedule its occupation of the office space. The Tribunal is now seeking suitable office accommodation outside the Conference Centre as it has become evident that it is unlikely to obtain the space in the Centre complex in a timely manner.

104. During the reporting period, the Tribunal constructed the third courtroom, altered two existing courtrooms and made modifications to the third and fourth floors to be occupied by the Judicial and Legal Services Division. Several offices in the Division of Administration were relocated to the Equator Hotel situated near the Tribunal headquarters to make room at the International Conference Centre to accommodate staff. Construction of the car park adjacent to the headquarters and minor repairs and alterations at the United Nations Detention Facility were also completed during the period under review.

105. The Tribunal has also started preliminary planning to provide another 120 offices in Kigali in the latter part of 1999 to accommodate the additional staff that would be recruited this year to fill additional posts approved by the General Assembly.

106. To address the problems associated with the year 2000 (Y2K) in the area of telephone services, payroll and courtroom systems and computers, the Tribunal in line with a United Nations Headquarters directive, has identified all equipment and software within the Tribunal which are not Y2K compliant. The replacement of equipment and software that are not Y2K compliant is under way.

3. Relations with the press and the public

107. Media coverage of the Tribunal's activities has increased during the reporting period, owing in large measure to the interest evoked by the delivery of the Tribunal's judgements in several cases. The permanent press corps in Arusha includes three international press agencies: Hirondelle of Switzerland, Intermedia of France and Internews of the United States. The Swahili language service of the BBC World Service has recently appointed a part-time correspondent to follow the work of the Tribunal. Between 12 and 15 journalists representing the major Tanzanian and East African newspapers and broadcast media also regularly attend and report on hearings and other developments at the Tribunal. A new Press Centre, equipped to facilitate the task of the media in covering the work of the Tribunal, has been constructed. A total of 260 journalists are now accredited to the Tribunal, an increase of some 20 per cent by comparison with the previous year.

108. Awareness of the work of the Tribunal in Rwanda has also increased. An outreach programme to the Rwandan people, the first of its kind under the current system of international justice, was established during the reporting

period. This included the establishment of a Radio Rwanda bureau at the seat of the Tribunal at Arusha in early 1998, with office space and other logistical support provided by the Tribunal. The bureau has been broadcasting the proceedings and judgements of the Tribunal to the Rwandan people on a regular basis in Kinyarwanda, French and English. These broadcasts appear to have had an impact on public awareness of the Tribunal in Rwanda. Another component of this outreach programme is the systematic facilitation of visits to the Tribunal by Rwandan print and broadcast media, representatives of civil society, parliamentarians, magistrates and other judicial officials.

109. The Tribunal's Web site, established in October 1998, is vital for the dissemination of general information to the public. Shortly after its inception some 60,000 visits to the site were recorded in one month alone. Judgements and other information are already available on the site, and plans are in progress to update it regularly.

110. The Press and Public Affairs Unit and the Spokesman of the Tribunal are responsible for all media affairs. A new Chief of the Press and Public Affairs Unit has recently taken up his duties, which include disseminating the work of the Tribunal as widely and effectively as possible.

111. During the period under review, numerous dignitaries, representatives of Governments, professional associations, educational institutions and individuals visited the Tribunal. These visitors included: Her Royal Highness the Princess Royal of the United Kingdom, a delegation of the National Assembly of Rwanda, a delegation of the National Bar Association of the United States, a group of Special Envoys of various countries to the Great Lakes region, the International Panel of Eminent Personalities established by the Organization of African Unity to examine the political and social aspects of the Rwandan genocide (led by Sir Ketumile Masire, former President of Botswana), Mr. Harri Holken, former Prime Minister of Finland, a Swiss Military Justice delegation (led by Colonel Jean-Marc Schwenter, President of the Military Tribunal in Lausanne), a delegation of the Command and Staff College of Nigeria, and several members of the diplomatic corps in the region. The visitors met with the judges, attended ongoing trials and were briefed on the organization and work of the Tribunal. The recruitment of a Protocol Officer responded to the increasingly large numbers of personalities and groups interested in visiting the Tribunal.

III. COOPERATION AND ASSISTANCE PROVIDED TO THE TRIBUNAL BY STATES AND ORGANIZATIONS

A. Cooperation by States

1. Judicial cooperation

(a) Arrest of suspects and accused

112. The Tribunal has neither a police force nor a geographical demarcation within which to apprehend the persons it wishes to prosecute. Consequently, the cooperation of Member States in the delivery of arrest warrants and carrying out arrests has been fundamental and should be commended. The arrest, provisional

detention and transfer of suspects and accused persons to the seat of the Tribunal has been made possible with the assistance and cooperation of Member States, which include: Cameroon, Kenya, Togo, Mali, Benin, Namibia, Burkina Faso, Zambia, South Africa, Belgium, Switzerland and Côte d'Ivoire.

(b) Witnesses

113. Many of the witnesses called before the Tribunal did not have legal status in the countries where they were residing or did not possess valid travel documents. Several Member States have cooperated by issuing temporary travel documents to witnesses to facilitate their appearance before the Tribunal. The Central African Republic, the Democratic Republic of the Congo, France and the United Republic of Tanzania were among the States which, by special arrangements with the Tribunal, waived immigration procedures and provided temporary travel documents to witnesses. The others included: Zambia, Kenya, Belgium, the Netherlands, Switzerland, Canada and the United Kingdom. The United Kingdom and the United States have provided witness support consultants to the Tribunal.

114. Nonetheless, this is an area where the Tribunal still seeks further cooperation from Member States. Without timely cooperation, it is practically impossible to produce witnesses on time and this slows down the entire judicial process. It would be helpful if more Member States signed cooperation agreements and enacted enabling legislation so that when requests for cooperation are forwarded from the Tribunal, there is law to guide decision-making. Although there has been some success in effecting relocation of witnesses to third-party States, the Tribunal has yet to receive from Member States sufficient offers for acceptance of relocated witnesses.

115. The United Republic of Tanzania, the host State, has rendered immense support to witnesses. Through special arrangements with the Tribunal, immigration procedures have been adjusted at its entry and departure ports to enable protected witnesses to appear before the Tribunal anonymously. Additionally, the country has provided back-up security for witnesses while in Arusha. Similarly, Rwanda has rendered tremendous support to witnesses travelling in and out of the country. Some witnesses have been relocated successfully internally while others have been relocated to third-party States. Other specialized agencies of the United Nations system, notably UNHCR, have also assisted in the movement and relocation of witnesses.

2. Amicus curiae

116. Under rule 74 of the Tribunals Rules of Procedure and Evidence a Trial Chamber is empowered to invite or grant leave to any State, organization or person to appear before it and make submissions on any issue specified by the Chamber. States and several organizations have filed amicus curiae briefs. For example, in the Musema case (ICTR-96-13-I), African Concern, a non-governmental organization, filed an application for leave to file a written brief as amicus curiae on 17 December 1998. Similarly, on 15 December 1998, African Concern applied for leave to file a written brief as amicus curiae in the case of the Prosecutor v. Theoneste Bagosora (ICTR-96-7-I). On 22 January 1999, a representative of the Government of Belgium appeared as amicus curiae in the

Bagosora case. Additionally, the Government of Belgium, through its Ministry of Justice, made an amicus curiae submission on the Prosecutor's request to withdraw the indictment in the Ntuyahaga case (ICTR-98-40-I-B). Lastly, the International Criminal Defence Attorneys Association petitioned the Appeals Chamber for leave to intervene as amicus curiae in the case of Jean Paul Akayesu v. the Prosecutor (ICTR-96-4-A).

3. Memorandum of Understanding

117. On 11 August 1997, the Secretary-General of the United Nations addressed a letter to the Minister for Foreign Affairs and Cooperation of Rwanda, requesting that the privileges and immunities provided for in the Convention on the Privileges and Immunities of the United Nations be extended to the Office of the Prosecutor and its staff.

118. Such an agreement is still expected. The United Nations and Rwanda are negotiating a comprehensive agreement which will regulate the establishment and the functioning of the Tribunal in Rwanda. Pending the conclusion of such an agreement, the parties on 3 June 1999 signed a Memorandum of Understanding "to regulate matters of mutual concern relating to the office in Rwanda of the International Tribunal for Rwanda". The privileges and immunities provided for in the Convention on the Privileges and Immunities of the United Nations are to be extended to that office.

119. The Memorandum of Understanding notably facilitates the work of the Office of the Prosecutor by allowing its key members to circulate freely throughout the territory of Rwanda, to have access to all prisoners and necessary documents, to have direct contact with the national and local authorities, and to question victims and witnesses.

4. Enforcement of sentences

120. In response to the Secretary General's appeal to Member States to provide prisons for the incarceration of persons convicted by the Tribunal and as a result of the diplomatic drive by the Registrar of the Tribunal, requesting the cooperation of Member States in this area, the Tribunal has registered some success.

121. Mali has agreed unconditionally to provide prison facilities for the enforcement of Tribunal sentences and an agreement between the Tribunal and the Republic of Mali has been signed to that effect. Belgium has offered its prison facilities, while Switzerland, Sweden and Denmark have made similar offers but with conditions. Other African countries such as Benin and Madagascar have also indicated their willingness and agreement to formalize these arrangements is due in the near future. Discussions with other States are continuing. The Tribunal's request for financial assistance to African countries which would like to make their prisons available for enforcement of Tribunal sentences but are otherwise limited by inadequate facilities still stands.

5. Voluntary contributions

122. While the work of the Tribunal is covered by the regular United Nations budget, voluntary funding to supplement its activities is welcome, especially in the areas of witness support, investigations and provisional detention. Several Member States have made significant contributions to the trust fund. At the end of 1998, cash contributions to the Voluntary Trust Fund to support the activities of the Tribunal amounted to $7,571,998. The following States made contributions: Australia, Austria, Belgium, Canada, Chile, Denmark, Egypt, Germany, Greece, Holy See, Ireland, Israel, Lebanon, New Zealand, Norway, Spain, Sweden, the Netherlands, the United Kingdom, the United States and Trinidad and Tobago. Belgium, Canada, Finland, Ireland, Switzerland, Spain and the Netherlands were the highest contributors. Funding by the Government of Finland was used to obtain an automated fax switching system and for the maintenance and operation of the Tribunal's aircraft.

123. Dissemination of information on the work of the Tribunal is a key factor in the Tribunal's success. It is important that the victims, the Rwandan people and the international community be kept informed of the progress of the trials. To this end, a United States media organization, Internews, contributed to the Trust Fund in 1998 and the United States Agency for International Development (USAID) funded Rwandan journalists to cover the judicial proceedings at the Tribunal.

124. The Government of France donated funds for the installation of video equipment for courtrooms. This facility, now installed in two courtrooms, will enhance the protection of witnesses, allow the filming of sessions and the transmission of court sessions to the press lobby and at a later stage it will enable transmission to Kigali so that the people of Rwanda are kept informed as to what transpires in the Tribunal's courts.

B. Contributions by various organizations

125. Denmark, Canada, France and Ireland contributed funding in varying amounts that enabled the Tribunal to set up well-stocked libraries in Arusha and Kigali. The donation initiated by Denmark in 1997 has enabled the acquisition of 600 books and subscriptions to approximately 24 periodicals; the fund was exhausted in 1998. The Canadian donation, managed by the University of Montreal, has been ongoing since 1997 and through it the library has acquired over 900 books for both Arusha and Kigali. The Government of France donated 40 books, while the Government of Ireland has donated a total of 800 books from 1998 to date. Additionally, the Coalition for International Justice, of the United States, donated 176 issues of the American Journal of International Law covering the period 1954-1998. The Raoul Wallenberg Institute of Human Rights and Humanitarian Law of Sweden was the other non-governmental organization that made contributions to the Tribunal's library during the reporting period.

IV. CONCLUSION

126. The International Criminal Tribunal for Rwanda is an historic initiative in international criminal justice, with little precedent to guide its work. The progress made over the past year has resulted in the completion of the first trials. Many of the challenges inherent in the creation of the Tribunal have been addressed successfully, and some of the obstacles which have resulted in delay have been overcome. With the creation of a third Trial Chamber and the construction of a further courtroom, it is anticipated that the pace of work of the Tribunal will accelerate in the forthcoming years.

127. The Tribunal is grateful for the extensive cooperation of States and international organizations which have been critical to its ability to arrest, detain and try indicted persons, in accordance with the requirements of due process and international law. As the work of the Tribunal progresses, the sentences it has imposed highlight the urgent need for further cooperation with regard to the imprisonment of convicted persons. The availability of national prison facilities in which these sentences can be served remains a serious concern.

128. The four Tribunal judgements which have been delivered in the past year constitute a significant contribution to the jurisprudence of international humanitarian law and international criminal justice. These judgements, and the ongoing work of the Tribunal, represent a collective effort on behalf of the international community to bring justice and truth to the people of Rwanda. It is hoped that these historic trials will contribute to peace and reconciliation and a new era of accountability for war crimes, crimes against humanity and genocide.

Annex

International Criminal Tribunal for Rwanda detainees - present status

Name and case No.	Date and place of birth	Former official functions alleged in indictment	Date and place of arrest	Date of transfer	Initial appearance
		POLITICAL LEADERS			
Barayagwiza, Jean Bosco ICTR 97-19-1	..1950 Gisenyi	Director of Political Affairs Ministry of Foreign Affairs	27 March 1996 Cameroon	19 November 1997	23 February 1998
Bicamu-Mpaka, Jérome 1. ICTR 99-49-DP 2. ICTR-99-50-1	..	Minister of Foreign Affairs	6 April 1999 Cameroon	-	-
Bizimungu, Casmir 1. ICTR-99-45-DP 2. ICTR-99-50-1	..	Minister of Health	11 February 1999 Kenya	23 February 1999	-
Kambanda, Jean ICTR-97-23-1	19 October 1955 Butare	Prime Minister	18 July 1997 Kenya	18 July 1997	1 May 1998
Karemera, Edouard ICTR-98-44-1	.. Mabanza Commune, Kibuye prefecture	Minister of Interior of Interim Government and V.P. of MRND	5 June 1998 Togo	10 July 1998	
Mugenzi, Justin 1. ICTR-99-47-DP 2. ICTR-99-50-1	..	Minister of Commerce	6 April 1999 Cameroon	-	
Mugiraneza, Prosper 1. ICTR-99-48-DP 2. ICTR-99-50-1	..	Minister of Civil Service	6 April 1999 Cameroon	-	
Ngirumpatse, Mathieu ICTR-98-44-1	.. Butare Commune, Kigali-Rural Prefecture	Director General of the Ministry for Foreign Affairs and President of MNRD	11 June 1998 Mali	10 July 1998	7 April 1999
Niyitegeka, Eliezer ICTR-96-14-1	.. 1952 Kibuye Prefecture	Minister of Information	9 February 1999 Kenya	11 February 1999	15 April 1999
Ntagerura, André ICTR-96-10A-T	2 January 1950 Cyangugu	Minister of Transport	27 March 1996 Cameroon	23 January 1997	20 February 1997
Nyiramasuhuko, Pauline ICTR-97-21-1	.. 1946 Butare	Minister of Family and Women Affairs	18 July 1997 Kenya	18 July 1997	3 September 1997

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Nzirorera, Joseph ICTR-98-44-1	.. 1950 Mukingo Commune, Ruhengeri Prefecture	President of the National Assembly and the Secretary General of the MRND	5 June 1998 Benin	10 July 1998	
Rwamakuba, André ICTR-98-44-1	.. 1950 Gikomero Kigali-Rural Prefecture	Minister of Education	21 October 1998 Namibia	23 October 1998	7 April 1999
		MILITARY LEADERS			
Bagosora, Théoneste (Colonel) ICTR-96-7T	16 August 1991 Gisenyi	Director of Cabinet, Ministry of Defence	9 March 1996 Cameroon	23 January 1997	20 February 1997
Kabiligi, Gratien ICTR-97-34-1	18 December 1951 Cyangugu	Brigadier-General in FAR	18 July 1997 Kenya	18 July 1997	17 February 1997
Nsengiyumva, Anatole ICTR-96-12-T	4 September 1950 Gisenyi	Lieutenant-Colonel	27 March 1996 Cameroon	23 January 1997	19 February 1997
Ntabakuze, Aloys ICTR-97-30-1	.. 1954 Gisenyi	Commander of Battalion in FAR	18 July 1997 Kenya	18 July 1997	24 October 1997
Nteziryayo, Alphonse ICTR-97-29-1	.. Butare	Commanding Officer of the Military Police, then Préfet of Butare	24 April 1998 Burkina Faso	21 May 1998	17 August 1998
		MEDIA LEADERS			
Nahimana, Ferdinand ICTR-96-11-T	15 June 1950 -	Director, RTLM	27 March 1996 Cameroon	23 January 1997	19 February 1997
Ngeze, Hassan ICTR-97-27-1	- 1961 Gisenyi	Chief Editor, Kangura newspaper	18 July 1997 Kenya	18 July 1997	19 November 1997
Ruggiu, Georges ICTR-97-32-1	12 October 1957 Belgium	Journalist, RTLM	23 July 1997 Kenya	23 July 1997	24 October 1997
		SENIOR GOVERNMENT ADMINISTRATORS			
Akayesu, Jean Paul ICTR-96-4-T	.. 1953 Taba, Gitarama	Bourgmestre of Taba	10 October 1995 Zambia	26 May 1996	30 May 1996
Bagambiki, Emmanuel ICTR-97-36-T	.. 1948 Cyangugu Prefecture	Préfet of Cyangugu	5 June 1998 Togo	10 July 1998	

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Bagilishema, Ignance ICTR-95-1-I	Mabanza Commune, Kibuye Prefecture	Bourgmestre of Mabanza	20 February 1999 South Africa	2 February 1999	20 April 1999
Kajelijeli, Juvénal ICTR-98-44-1	.. Ruhengeri Prefecture	Bourgmestre of Mukingo	5 June 1998 Benin	10 September 1998	19 April 1999
Kanyabashi, Joseph ICTR-96-15-T	.. 1937 Butare	Bourgmestre of Ngoma	28 June 1998 Belgium	8 November 1996	
Kayishema, Clément ICTR-95-1-T	.. 1954 Kibuye	Préfet of Kibuye	2 May 1996 Zambia	26 May 1996	31 May 1996
Ndayambaje, Elie ICTR-96-8-T	8 March 1958 Butare	Bourgmestre of Muganza	28 June 1995 Belgium	8 November 1996	29 November 1996
Nsabimana, Sylvain ICTR-97-29-1	29 July 1953 Butare	Préfet of Butare	18 July 1997 Kenya	18 July 1997	24 October 1997
Semanza, Laurent ICTR-97-20-1	.. 1944 Kigali	Bourgmestre of Bicumbi	27 March 1996 Cameroon	19 November 1997	16 February 1998
		OTHERS			
Imanishimwe, Samuel ICTR-97-36-1	25 October 1961 D. R. Congo	Lieutenant, FAR	11 August 1997	11 August 1997	21 November 1997
Musema, Alfred ICTR-96-13-1	22 August 1949 Byumba	Director of tea factory in Kibuye	11 February 1995 Switzerland	20 May 1997	18 November 1997
Ntahobali, Arséne Shalom ICTR-97-21-I	.. 1970 Butare	Businessman	24 July 1979 Kenya	24 July 1979	17 October 1997
Ntakirutimana, Elizaphau 1. ICTR-96-01-I 2. ICTR-96-17-1	.. 1924 Kibuye	Pastor (Seventh Day Adventist) in Kibuye	29 September 1996 in Texas, United States, released and rearrested 26 February 1998		
Ntakirutimana, Gérard 1. ICTR-96-10-T 2. ICTR-96-17-T	12 August 1958 Kibuye	Medical doctor	29 October 1996 Côte d'Ivoire	30 November 1996	2 December 1996
Rutaganda, Georges ICTR-96-3-T	.. 1958 Gitarama	Businessman and Second Vice-President of Interahamwe	10 October 1995	26 May 1996	30 May 1996

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Ruzindana, Obed 1. ICTR-95-1-T 2. ICTR-96-10-T	20 December 1962 Kibuye	Businessman in Kibuye	20 September 1996 Kenya	22 September 1996	29 October 1996
Serushago, Omar ICTR-98-39-1	24 April 1962 Gisenyi Prefecture	Businessman and Interahamwe leader in Gisenyi Prefecture	10 June 1998 Côte d'Ivoire	10 July 1998	14 December 1999
		DETAINEES RELEASED UNCONDITIONALLY BY THE TRIBUNAL			
Ntuyahaga, Bernard ICTR-97-49-1	.. 1952 Kibuye	Officer in charge of Logistics at the Kigali military camp	8 June 1998 Surrendered to the Tribunal	10 July 1998	13 November 1998